

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30257 of 2024

Arising Out of PS. Case No.-155 Year-2023 Thana- VISHNUPAD District- Gaya

Amarnath Singh @ Munna Singh @ Guddu Singh @ Mahendra Pratap Shwaine Son of Jamuna Singh Resident of Village- Kendui, P.S.- Magadh Medical, District- Gaya at present Purana Station, Dhanbad, P.O.- Dhanbad, P.S.- Dhansar, District- Dhanbad (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Bardhan Pandey, Advocate
For the Opposite Party/s : Mr. Raj Kishor Singh, APP
For the Informant : Mr. Md. Murad Ashraf, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioner, State and the informant.

2. The petitioner is in custody in connection with Vishnupad P.S. Case No. 155 of 2023 for the offence punishable under sections 302, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act lodged on 24.05.2023 by the informant, Kartik Chandra Singh.

3. As per the FIR, the informant got information that his father is lying in a pool of blood near Manav Bharti School. Upon reaching there and having found the head in a pool of blood was shifted to Magadh Medical College and Hospital, Gaya where he succumbed to the injuries. The postmortem was



conducted and the dead body was taken for cremation.

4. Though the informant earlier considered it as a road accident, as per the CCTV footage of Manav Bharti School he was actually shot in the head. Those identified in the FIR have been made accused in the case.

5. Learned counsel for the petitioner submits that he has no role to play in the matter and only because he is agnate and there was some land dispute, implicated. Further, he do not have any criminal antecedent.

6. Learned counsel for the informant has filed a voluminous counter-affidavit and has also brought on record an order of the learned Additional Session Judge, Jajpur dated 23.12.1994 to show that the petitioner was convicted in a case of Section 395 of the Indian Penal Code and has served ten years in prison.

7. Learned counsel for the petitioner disputes the same submitting that the father name differs with the father of the petitioner.

8. Learned counsel for the informant thereafter took this Court to Annexure-P/5 to show that while in custody this petitioner sent a letter to the deceased and a perusal of the content would show that he has talked about the life in the jail.



This is contrary to the statement made in paragraph-3 that he do not have criminal antecedent.

9. He again took this Court to paragraph-6 to show that cognizance under Section 418 of the Indian Penal Code has been taken against the petitioner pursuant to the informatory petition filed by the informant's side before the learned Chief Judicial Magistrate, Gaya.

10. Learned counsel for the petitioner submitted that the copy has been served upon him and as such, he is unable to refute the same.

11. Learned counsel for the informant submits that repeatedly he tried to serve copy upon him but he made a statement that he is not appearing in the present case. As such, he had to wait till the case called out to serve the copy upon him pursuant to the order of the Court. The said stand of the learned counsel for the petitioner is deprecated.

12. An incident has taken place, the father of the informant was killed having been shot in the head, the CCTV footage shows the accused persons, the name of the petitioner has come up during the course of investigation, he has made a false statement in paragraph-3 that he do not have criminal antecedent which has now come in the counter affidavit through



different paragraphs. Considering all the aforesaid facts, no case
of bail is made out which is accordingly rejected.

(Rajiv Roy, J)

Adnan/-

U		T	
---	--	---	--

